

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Randall Joseph Eade,)	C/A No. 2:12-1398-JFA-KFM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Lorelle D. Proctor,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Randall Joseph Eade, is a pretrial detainee at the Charleston County Detention Center. He brings this action pursuant to 42 U.S.C. § 1983 contending his court-appointed public defender failed to adequately represent him in his state criminal case.

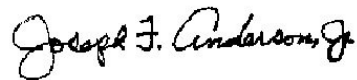
The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that this action should be dismissed because the plaintiff's claims of malpractice or negligence with respect to the legal representation by the defendant are not actionable under 42 U.S.C. § 1983. Moreover, the plaintiff has failed to allege that the right secured by the Constitution or laws of the United States was violated or that the alleged violation was committed by a person acting under the color of state law. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on July 9, 2012. However, the plaintiff did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Additionally, the copy of the Report mailed to the petitioner was returned to the Clerk of Court on July 18, 2012, marked “Undeliverable, Attempted not Known.”

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed without prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.
United States District Judge

July 26, 2012
Columbia, South Carolina